

Amended by R.1998 d.587, effective December 21, 1998.

See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

Rewrote the section.

SUBCHAPTER 4. FUNDING OF AWARDS

13:78-4.1 Amount of moneys available for awards

(a) The amount of moneys available for awards each year is dependent upon the total amount collected and deposited into the Fund and designated by the State Treasurer as available for distribution.

(b) Moneys are available for expenditure during the State Fiscal Year (SFY) of award.

(c) Approved expenditures may be reimbursed retroactively to the beginning of the SFY, even though moneys may not be awarded until later in the SFY.

SUBCHAPTER 5. ALLOCATION AND DISBURSEMENT FROM FUND

13:78-5.1 Allocation of moneys available from Victim and Witness Advocacy Fund

(a) Available moneys deposited in the Fund shall be allocated by the Director as follows:

1. Moneys first shall be allocated to provide complete funding for the State Office of Victim-Witness Advocacy within the Division of Criminal Justice, established pursuant to N.J.S.A. 52:4B-43, and shall be in an amount sufficient to provide for all staff salaries and any other necessary operational expenses.

2. After the allocation of moneys to the State Office of Victim-Witness Advocacy, moneys shall be allocated to the county Offices of Victim-Witness Advocacy based on a formula that may include a base amount, a county's population, crime rate, and number of cases reviewed by the prosecutor's office. The Director shall determine the formula periodically, based upon the needs of identified victim populations throughout the State.

3. The Director may allocate additional funding to other eligible public entities and for special projects or other purposes over and above the regular allocation as the Director deems appropriate for implementing the Attorney General Standards.

4. After the allocation of moneys to the State Office of Victim-Witness Advocacy, the county Offices of Victim-Witness Advocacy and other eligible public entities, the Director may allocate moneys for a grant program for

direct services to crime victims based upon the availability of funds.

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See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

Rewrote the section.

13:78-5.2 Disbursement of moneys to State and county Offices of Victim-Witness Advocacy

(a) The Director shall determine the amount required to fund the State Office of Victim-Witness Advocacy and authorize use of moneys for this purpose.

(b) In disbursing moneys to the county Offices of Victim-Witness Advocacy within each county prosecutor's office, established pursuant to N.J.S.A. 52:4B-44b and 52:4B-45, the following procedures shall be followed:

1. Each county prosecutor shall provide the State Office of Victim-Witness Advocacy with an estimation of the costs to operate the county office of Victim-Witness Advocacy in that county, extracted to the extent possible from the overall budget to be submitted to the respective county governing body. These estimated figures shall be supplied on a form provided by the Director. The estimated budget request figures shall indicate the salary costs for the County Victim-Witness Coordinator and other personnel, as well as an approximation of other expenses such as supplies, equipment, motor vehicles, travel, training, and other operating expenses.

2. Each county prosecutor shall submit a certification executed by each of the following county officials: the county prosecutor; the chief executive or chief appointed official; the chief financial officer; and the freeholder director or president. The certification shall state that the moneys allocated from the Fund will be expended solely for the development, provision and/or enhancement of services to victims and witnesses in accordance with legislative mandates or the Attorney General Standards, and related administrative and training costs.

3. Each county prosecutor shall certify that money allocated from the Fund will be expended within the State Fiscal Year of the allocation. Any unexpended balances at the end of the State Fiscal Year are subject to return to the State. Failure to expend allocated funds may result in reduction of future allocations.

4. Moneys from the Fund may be withheld from a county until that county's governing body approves the county prosecutor's budget request for the county Office of Victim-Witness Advocacy. If the county governing body appropriates an amount to the county prosecutor which differs from the original budget request, the Director shall modify the disbursement authorized accordingly.

5. A committee designated by the Director shall review any funding application submitted by a county prosecutor for special projects or other such purposes other than the

moneys allocated pursuant to N.J.S.A. 52:4B-44b and 52:4B-45, and shall make recommendations to the Director concerning the allocation of any additional moneys. The Director may allocate to a county prosecutor additional funding for special projects or other such purposes over and above the regular allocation pursuant to N.J.S.A. 52:4B-44b and 52:4B-45. A county prosecutor seeking such additional funding shall comply with application procedures specified for other public entities.

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See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

In (a), substituted "use" for "transfer"; and rewrote (b).

13:78-5.3 Disbursement of moneys to other public entities

After the allocation of moneys to the State Office of Victim-Witness Advocacy and county Offices of Victim-Witness Advocacy, a committee designated by the Director shall review any funding applications submitted by other public entities, pursuant to N.J.S.A. 52:4B-43.1b, and make recommendations to the Director concerning the award of any available moneys. The Director may disburse funds to other public entities, pursuant to N.J.S.A. 52:4B-43.1b, and as deemed appropriate for the implementation of the legislative mandates and the Attorney General Standards.

Amended by R.1998 d.587, effective December 21, 1998.
See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

Substituted "disburse" for "distribute" in the second sentence; and deleted references to municipalities throughout.

13:78-5.4 Disbursement of moneys to eligible public entities and eligible not-for-profit organizations

(a) A committee designated by the Director shall review the funding application (N.J.A.C. 13:78-3) submitted by each eligible public entity and each eligible not-for-profit organization and shall make recommendations to the Director concerning the award of moneys.

(b) At the discretion of the Director, moneys may be awarded to eligible public entities and eligible not-for-profit organizations whose funding applications will satisfy the statutory criteria (N.J.S.A. 52:4B-43.1c) to establish or enhance direct services to victims and witnesses.

(c) Moneys from the Fund may be withheld by the Director from eligible public entities and eligible not-for-profit organizations who are awarded grants until all fiscal reporting requirements are met.

Amended by R.1998 d.587, effective December 21, 1998.
See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

In (c), inserted "who are awarded grants" following "organizations"; and deleted "qualified" following "eligible" throughout the section.

13:78-5.5 Compliance with State and local laws

Any public entity, receiving moneys for victim and witness assistance or advocacy from the Fund under this chapter, shall comply with and follow State of New Jersey procurement practices and procedures pursuant to the "Local Public Contracts Law," N.J.S.A. 40A:11-1 et seq., any rules promulgated and adopted thereunder, and any other controlling State or local laws or ordinances.

Amended by R.1998 d.587, effective December 21, 1998.

See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

Inserted "any rules promulgated and adopted thereunder," preceding "and any other" at the end.

13:78-5.6 Notification of allocation and awards

(a) The Director shall notify county prosecutors of allocations to county Offices of Victim-Witness Advocacy in the form of a letter.

(b) The Director shall notify county prosecutors applying for additional funds over and above the regular allocation, other public entities, eligible public entities and eligible not-for-profit organizations whose funding applications have been found, by the Director, to satisfy the statutory criteria concerning victim and witness assistance or advocacy by letter.

(c) In a notification of an award, the Director shall include an agreement which shall be executed and returned to the Director before any moneys can be disbursed.

(d) In addition, the Director shall publish a public notice in the New Jersey Register listing all awards made for a particular SFY as well as all allocations to county Offices of Victim-Witness Advocacy.

Public Notice: Awards for 1994-1995 fiscal year.

See: 27 N.J.R. 4019(a).

Amended by R.1998 d.587, effective December 21, 1998.

See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

Added a new (a); recodified former (a) through (c) as (b) through (d).

SUBCHAPTER 6. USE OF FUND DISBURSEMENTS

13:78-6.1 Use of Victim and Witness Advocacy Fund by county Offices of Victim-Witness Advocacy or other public entities

Moneys from the Fund which are disbursed to the county Offices of Victim-Witness Advocacy or other public entities shall be used to implement the legislative mandates and the Attorney General Standards and shall not supplant budgeted funding or any other available funding currently in existence. These moneys may be used to establish or enhance victim-witness waiting rooms, to hire and train personnel to provide services in accordance with the legislative mandates and the Attorney General Standards, to purchase computer equipment to maintain communications with victims and witnesses, or for such other purposes as the Director may authorize.

Amended by R.1998 d.587, effective December 21, 1998.

See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

Substituted "disbursed" for "distributed" in the first sentence.

13:78-6.2 Use of Victim-Witness Advocacy Fund by eligible public entities and eligible not-for-profit organizations

Moneys from the Fund which are disbursed, pursuant to N.J.S.A. 52:4B-43.1c, shall be used to establish or enhance direct services to victims and witnesses.

Amended by R.1998 d.587, effective December 21, 1998.
See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

Substituted "disbursed" for "distributed" preceding "pursuant to".

SUBCHAPTER 7. ACCOUNTING AND AUDIT

13:78-7.1 Accounting, reporting and audit

(a) Any county prosecutor, other public entity, or eligible public entity which receives moneys from the Fund shall maintain a separate account in which such moneys shall be held, along with detailed records of all receipts, expenditures and unexpended balances. Each county prosecutor, other public entity, or eligible public entity shall submit to the Director, a quarterly report, as well as an annual report at the end of each State Fiscal Year identifying, separately, all receipts, expenditures and unexpended balances of mon-

eys received from the Fund. Any unexpended balances at the end of the SFY are subject to return to the State. For the purpose of uniformity the Director may prepare forms for these reports.

(b) Any eligible not-for-profit organization which receives moneys from the Fund shall maintain detailed records which identify, separately, all receipts, expenditures and unexpended balances of moneys received from the Fund. Each eligible not-for-profit organization shall submit to the Director, on forms provided by the Director, a quarterly report, as well as an annual report at the end of each State Fiscal Year. Any unexpended balances at the end of the State Fiscal Year are subject to return to the State.

(c) The State of New Jersey reserves the right to periodically or randomly audit any of the records referenced in this subchapter.

Amended by R.1998 d.587, effective December 21, 1998.
See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

In (a), substituted "quarterly" for "monthly" in the second sentence; in (b), inserted "to the Director" following "shall submit" and substituted "quarterly" for "monthly" in the second sentence; in (c), inserted "or randomly" following "periodically"; and deleted "qualified" following "eligible" throughout the section.